

Prob 12B

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

**PETITION TO MODIFY THE CONDITIONS OR TERM OF SUPERVISION  
WITH CONSENT OF THE OFFENDER**

*(Probation Form 49, Waiver of Hearing, is on file)*

**Offender Name:** DIANA TIJERINA

**Docket Number:** 1:03CR05193-01 AWI

**Offender Address:** Cantua Creek, California

**Judicial Officer:** Honorable Anthony W. Ishii  
United States District Judge  
Fresno, California

**Original Sentence Date:** 06/14/2004

**Original Offense:** 18 USC 1711, Misappropriation of United States Postal  
Service Funds  
(CLASS D FELONY)

**Original Sentence:** 60 months probation; \$100 SA; \$8,268.27 Restitution

**Special Conditions:** 1) Search; 2) Access to financial information; 3) Not  
incur new credit charges or lines of credit; 4) Home  
detention for a period of 120 days; 5) Employment  
restrictions; 6) Complete GED certificate

**Type of Supervision:** Probation

**Supervision Commenced:** 06/14/2004

**Assistant U.S. Attorney:** Unassigned **Telephone:** (559) 497-4000

**Defense Attorney:** Federal Defender **Telephone:** (559) 237-0800

**Other Court Action:** None

**RE: DIANA TIJERINA**  
**Docket Number: 1:03CR05193-01 AWI**  
**PETITION TO MODIFY THE CONDITIONS OR TERM**  
**OF SUPERVISION WITH CONSENT OF THE OFFENDER**

---

### **PETITIONING THE COURT**

#### **To modify the conditions of supervision as follows:**

1. The defendant's order of restitution in the amount of \$8,268.27 as imposed on June 14, 2004, is modified to \$11,064.80, as this is the actual amount of loss suffered by the victims in this case. Restitution shall be sent to the Clerk of the Court, who shall forward it to the victims described in the Victim Impact Statement of the Presentence Investigation Report. All other terms and conditions of supervision remain in full force and effect.

**Justification:** On June 14, 2004, the defendant was sentenced to the instant offense. During that hearing, the Court recognized the individual loss amounts as to each victim and ordered total restitution in the amount of \$8,268.27. Your Honor's courtroom clerk recently informed this officer that it appears there was a calculation error in the presentence report regarding the total amount of restitution involved in the case. When adding the individual amounts of victim losses as reflected in the presentence report, the actual total amount of restitution is \$11,064.80.

This officer recently met with the defendant and reviewed the presentence report. She acknowledges the individual amount of loss as to each victim and realizes the amount of restitution ordered by the Court was for a lesser amount. She signed Probation Form 49a - Waiver acknowledging the error and agrees to pay this larger amount through the Clerk of the Court.

**RE: DIANA TIJERINA**  
**Docket Number: 1:03CR05193-01 AWI**  
**PETITION TO MODIFY THE CONDITIONS OR TERM**  
**OF SUPERVISION WITH CONSENT OF THE OFFENDER**

Respectfully submitted,

/s/ Hubert J. Alvarez

**HUBERT J. ALVAREZ**  
**Senior United States Probation Officer**  
Telephone: (559) 499-5727

**DATED:** November 21, 2007  
Fresno, California  
HJA

**REVIEWED BY:** /s/ Bruce Vasquez  
**BRUCE A. VASQUEZ**  
**Supervising United States Probation Officer**

---

---

**THE COURT ORDERS:**

- ( **X** ) Modification approved as recommended.
- ( ) Modification not approved at this time. Probation Officer to contact Court.
- ( ) Other:

IT IS SO ORDERED.

**Dated:** November 21, 2007

/s/ Anthony W. Ishii  
UNITED STATES DISTRICT JUDGE